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Letter dated 31 December 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, containing an account of the Committee's activities from 1 January to 31 December 2008 (see annex). The report, which was adopted by the Committee, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

In this connection, I would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Jan **Grauls**
Chairman
Security Council Committee established pursuant to
resolution 1572 (2004) concerning Côte d'Ivoire

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Annex

Report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire covers the period from 1 January to 31 December 2008.

2. For 2008, the Bureau consisted of Johan C. Verbeke (Belgium) as Chairman, and the delegations of Italy and South Africa as Vice-Chairmen (S/2008/2). On 4 June 2008, Jan Grauls (Belgium) replaced Mr. Verbeke as Chairman of the Committee (S/2008/366).

II. Background

3. The Security Council, by its resolution 1572 (2004) of 15 November 2004, imposed an arms embargo, with immediate effect, as well as travel restrictions and an assets freeze on designated individuals and entities, to take effect on 15 December 2004.

4. By paragraph 14 of resolution 1572 (2004), the Council established a Sanctions Committee: (a) to designate and make public a list of individuals and entities subject to the targeted measures; (b) to seek information from States and entities on their implementation of the measures; (c) to consider and decide upon requests for exemptions to the arms embargo and other targeted measures; (d) to promulgate guidelines for the conduct of the Committee's work; and (e) to report to the Council regularly on its work, with its observations and recommendations, on ways to strengthen the effectiveness of the measures.

5. By its resolution 1584 (2005), the Security Council authorized the United Nations Operation in Côte d'Ivoire (UNOCI) and the supporting French forces to monitor the arms embargo imposed by the Council in resolution 1572 (2004), which required all States to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire of arms or any related materiel as well as the provision of any assistance, advice or training related to military activities.

6. By its resolution 1584 (2005), the Security Council also requested the Secretary-General, in consultation with the Committee, to create a group of experts to, inter alia, examine and analyse the information gathered by UNOCI and the French forces in the context of their respective monitoring mandates; gather and analyse all relevant information in Côte d'Ivoire, countries of the region and, as necessary, in other countries, on violations of the arms embargo; and consider and recommend ways of improving the capabilities of States, in particular those in the region, to ensure the effective implementation of the measures imposed. On 23 September 2005, the Group of Experts submitted its report (S/2005/699) to the Committee, and on 18 October 2005, by resolution 1632 (2005), the Council extended the Group's mandate until 15 December 2005, pursuant to which, on 29 November 2005, the Group submitted its update report (S/2006/204) to the Committee.

7. By its resolution 1643 (2005), the Security Council renewed the arms embargo, as well as the travel ban and the assets freeze imposed, respectively, by paragraphs 9 and 11 of resolution 1572 (2004). By paragraph 6 of resolution 1643 (2005), the Council imposed an embargo on the import of all rough diamonds from Côte d'Ivoire. By paragraph 9 of the same resolution, the Council requested the Secretary-General to establish an expanded Group of Experts for six months with the additional task of monitoring the embargo on diamonds. The Group of Experts submitted its report to the Committee on 16 August 2006 (S/2006/735).

8. By paragraph 4 of resolution 1643 (2005), the Council decided that any obstacle to the freedom of movement of UNOCI and the French forces, or any attack on or obstruction to the action of UNOCI, the French forces, the High Representative for the elections or of the International Working Group constituted a threat to the peace and national reconciliation process for the purposes of the measures imposed by the Council in paragraphs 9 and 11 of resolution 1572 (2004).

9. On 14 September 2006, by resolution 1708 (2006), the Security Council extended the mandate of the Group of Experts until 15 December 2006 and requested the Group to submit a brief written update to the Council through the Committee before 1 December 2006 on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraphs 4 and 6 of resolution 1643 (2005), with recommendations in that regard. The Group of Experts submitted its update report to the Committee on 27 November 2006 (S/2006/964).

10. On 15 December 2006, by resolution 1727 (2006), the Council renewed until 31 October 2007 the arms embargo, travel and financial sanctions as well as the embargo on the import of all rough diamonds originating in Côte d'Ivoire. By paragraph 7 of the same resolution, the Council decided to extend the mandate of the Group of Experts for a further six months. The Group was requested to report to the Security Council in writing before 15 June 2007, through the Committee, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). The Group of Experts submitted its report to the Committee on 11 June 2007 (S/2007/349).

11. On 20 June 2007, by resolution 1761 (2007), the Security Council decided to extend the mandate of the Group of Experts, as set out in resolution 1727 (2006), until 31 October 2007. By paragraph 2 of the same resolution, the Council requested the Group of Experts to submit a written update to the Council, through the Committee, before 15 October 2007 on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraphs 4 and 6 of resolution 1643 (2005). The Group of Experts submitted its report to the Committee on 21 September 2007 (S/2007/611).

12. On 29 October 2007, by resolution 1782 (2007), the Security Council renewed until 31 October 2008 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). By paragraph 8 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2008. The Council requested the Group of Experts to provide a midterm report to the Committee by 15 April 2008 and to submit a final written report to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations

in that regard. The Group of Experts submitted its midterm report to the Committee on 20 March 2008 (S/2008/235) and its final report on 15 September 2008 (S/2008/598).

13. On 29 October 2008, by resolution 1842 (2008), the Security Council renewed until 31 October 2009 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). By paragraph 10 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2009. The Council requested the Group to provide a midterm report to the Committee by 15 April 2009 and to submit a final written report to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in that regard.

III. Summary of the activities of the Committee

14. In the course of 2008, the Committee held five informal consultations (27 February, 9 April, 27 June, 19 September and 8 October).

15. On 20 March 2008, the Group of Experts submitted its midterm report (S/2008/235) to the members of the Committee. Subsequently, the Group presented the midterm report to Committee members during the Committee's informal consultations on 9 April 2008. At the same meeting, Committee members also discussed the observations and recommendations contained in the report. During the consultations of the Security Council on 29 April 2008, the Chairman briefed the members of the Council on the main findings contained in the report and on the Committee's discussions of the Group's report and its recommendations. Following up on the report's recommendations, the Committee dispatched letters on 8 and 15 May 2008 to the Permanent Representatives of Côte d'Ivoire and Ghana to the United Nations, the Under-Secretary-General for Peacekeeping Operations and the Chairperson of the Kimberley Process, drawing their attention to relevant paragraphs contained in the Group's midterm report. Furthermore, on 16 May 2008 the Committee transmitted a note verbale to all Member States drawing their attention to relevant paragraphs contained in the Group's midterm report and transmitting the list of sanctioned individuals. Subsequently, the Committee received replies to its letters from the Under-Secretary-General for Peacekeeping Operations on 2 June and from the Chairperson of the Kimberley Process on 16 September 2008. On 18 July 2008, the Committee received a response from Ghana to its note verbale.

16. On 16 June 2008, the Committee approved an arms embargo exemption request pursuant to paragraph 8 (e) of resolution 1572 (2004).

17. On 15 September 2008, the Group of Experts submitted its final report (S/2008/598) to the members of the Committee. Subsequently, the Group presented the final report during the Committee's informal consultations on 8 October 2008. At the same meeting, Committee members also discussed the observations and recommendations contained in the report. During the Security Council's consultations on 27 October 2008, the Chairman briefed the members of the Council on the main findings contained in the report and on the Committee's discussions of the Group's report and its recommendations. Following up on the report's

recommendations, the Committee dispatched letters on 11 November 2008 to the Permanent Representatives of Belgium, Burkina Faso, Côte d'Ivoire, France, Israel and Mali as well as to the Chairperson of the Kimberley Process and the Under-Secretary-General for Peacekeeping Operations, drawing their attention to relevant paragraphs contained in the Group's final report. Furthermore, on 31 October 2008 the Committee sent a note verbale to all Member States drawing their attention to relevant paragraphs contained in the Group's final report and transmitting the list of sanctioned individuals. Subsequently, the Committee received replies to its letters from Belgium on 4 December and from the Under-Secretary-General for Peacekeeping Operations on 10 December 2008.

18. On 21 October 2008, pursuant to a letter from the Coordinator of the Group of Experts, the Committee updated the list of individuals subject to the travel ban and assets freeze imposed by paragraphs 9 and 11 of resolution 1572 (2004) and paragraph 4 of resolution 1643 (2005). On 21 October 2008, the Committee transmitted a note verbale to all Member States informing them of the particular sections of the list that had been updated, and on 22 October 2008 the Committee issued a press release concerning the updating of the list (SC/9479).

19. On 1 December 2008, the Committee dispatched a note verbale to all Member States in connection with the adoption of Security Council resolution 1842 (2008).

20. During the reporting period, the Committee considered 10 monthly arms embargo and media monitoring reports, which are prepared by UNOCI in accordance with paragraphs 2 and 9 of resolution 1584 (2005) and paragraph 6 of resolution 1572 (2004). The Committee also considered four quarterly UNOCI human rights reports.

21. On 30 October 2008, the Committee received a report from Mali on the implementation of Security Council resolutions 1572 (2004) and 1643 (2005).

IV. Violations and alleged violations of the sanctions regime

22. In its midterm report of 20 March 2008 (S/2008/235), the Group of Experts on Côte d'Ivoire observed that it had gathered credible information indicating that since the establishment of the sanctions regime by the Security Council in November 2004, members of the Defence and Security Forces of Côte d'Ivoire (FDS-CI) and the Defence and Security Forces of the Forces nouvelles (FDS-FN) had been receiving training related to military activities in other Member States in violation of paragraph 7 of Security Council resolution 1572 (2004).

23. In its final report of 15 September 2008 (S/2008/598), the Group of Experts on Côte d'Ivoire stated that it was unable to conclude whether any importation of military equipment in violation of the sanctions regime had been made by the two former belligerent parties. In the course of its visits to the different regions of the country, however, the Group had gathered several indications, without being in a position to verify such information, suggesting that movements of small volumes of weapons had occurred. According to the Group, the frequency of such indications suggested that the possibility of violations could not be entirely excluded. The Group also expressed concern regarding the lack of effective disarmament of militias and ex-combatants of the Forces nouvelles. Furthermore, in both the

midterm and final reports, the Group of Experts expressed concern regarding the lack of inspections by UNOCI of sites held by the Republican Guard.

24. In the area of customs, the Group of Experts believes that the best way to enforce the sanctions regime is through a focused interdiction of any potential sanctions-related goods at the time of importation. With regard to transit cargo specifically, the Group concluded that transit goods were inadequately monitored by the Ivorian Customs authorities, which posed a significant risk for the potential importation and diversion of sanctioned cargo. The Group recommended that the monitoring efforts of UNOCI be strengthened through the introduction of a significant number of international Customs officers with sanctions experience into the mission's embargo cell component.

25. With regard to the diamond sector, the Group of Experts noted that considerable mining activity had taken place in the Séguéla region of northern Côte d'Ivoire. The Group also reported that the Kimberley Process had conducted a technical examination of the diamonds that had been seized by Malian Customs authorities at the airport of Bamako in December 2007. That examination had confirmed the Ivorian origin of the diamonds. The Group further presented a number of case studies to illustrate the alleged illicit export of Ivorian rough diamonds through neighbouring countries (Guinea, Mali) and trading markets (Belgium, Israel, United Arab Emirates).

26. In connection with the individual sanctions, the Group of Experts determined that a number of violations of the assets freeze had occurred.

V. Observations and conclusions

27. The primary responsibility for the implementation of the measures imposed by the Security Council rests with Member States. For its part, in facilitating and monitoring the implementation of the relevant measures, the Committee has greatly benefited from the information provided by the Group of Experts on Côte d'Ivoire, UNOCI and other sources, which have proved to be a useful tool in deciding upon appropriate actions. The Committee remains committed to discharging its mandate as effectively and as efficiently as possible.